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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,443	12/12/2000	Kary K. Burns	14999.19	5475

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EXAMINER

JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
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2643

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DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,443

Applicant(s)

BURNS, KARY K.

Examiner

Alexander Jamal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 1** rejected under 35 U.S.C. 102(e) as being anticipated by Burg et al. (6456699).

a. **Claim 1:** Burg discloses a system for sending and receiving content from at least one server connected to a network (a computer and telephone interface to internet), the system comprising:

- i. An Access device comprising Switches 104 & 108, Webserver 103, IVR 107, computer 105 and telephone 109 are connected to the network (Fig. 6).
- ii. An input device comprising telephone 109 which comprises a numeric touchpad (for the purpose of inputting data to the network) (Col 10 lines 32-38) with a set of numbered keys that, when selected by the user, cause the access device to request specific classes of information from a server (such as in an IVR system) (Col 8 lines 45-55).
- iii. Computer readable medium that is inherent to the computer 105 and the computers within the network for the purpose of storing and delivering the computer code to the computer. The mediums carry computer executable instructions that, when executed, cause the access device to configure the plurality

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of keys by associating specific classes of information with particular keys of the keypad (such as in an IVR system) (Col 8 lines 45-65).

- b. **Claim 2:** The input device further comprises computer 105 (Fig. 6) with a display device to display the user interface (Col 9 line 62 to Col 10 line 10).
- c. **Claim 4:** Burg's system comprises a computer which inherently comprises a standard alphanumeric keyboard for the purpose of entering input to the computer. In addition his system comprises a standard telephone that comprises a keypad that may be used to enter in numbers or letters (depending upon the IVR system protocol that the phone is interfacing with).
- d. **Claims 5:** Burgs input device comprises a standard touchtone telephone (and keypad) that is compatible with an IVR system (Col 10 lines 32-38).
- e. **Claim 6:** Burg discloses a system for sending and receiving content from at least one server connected to a network (a computer and telephone interface to internet), the system comprising:
 - i. An Access device comprising Switches 104 & 108, Webserver 103, IVR 107, computer 105 and telephone 109 are connected to the network (Fig. 6).
 - ii. An input device comprising telephone 109 which comprises a numeric touchpad (for the purpose of inputting data to the network) (Col 10 lines 32-38) with a set of numbered keys that, when selected by the user, cause the access device to request specific classes of information from a server (such as in an IVR system) (Col 8 lines 45-55).

iii. Output devices (Comprising a computer display or telephone speaker with an IVR system) to output specific classes of information that the access device receives (Col 9 line 62 to Col 10 line 41). The speaker is inherent to a telephone for the purpose of allowing the user to communicate (hear) with the network.

iv. Computer readable medium that is inherent to the computer 105 and the computers within the network for the purpose of storing and delivering the computer code to the computer. The mediums carry computer executable instructions that, when executed, cause the access device to configure the plurality of keys by associating specific classes of information with particular keys of the keypad (such as in an IVR system) (Col 8 lines 45-65).

f. **Claim 9:** Burg's system comprises computer 105 (Fig. 6) with an output display device to display the user interface (Col 9 line 62 to Col 10 line 10).

g. **Claim 10:** Burg's system comprises a telephone (Col 10 lines 30-41) with an outputting device. A speaker is inherent to a telephone for the purpose of allowing the user to communicate (hear) with the network.

h. **Claim 11:** Burg's access device comprises a computer system 105 (Fig. 6).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 3** rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al.

(6456699) as applied to claims 1,2 above, and further in view of Gulley et al. (5790652).

a. Burg discloses applicant's claims 1 and 2 above but does not disclose the numeric touchpad comprising a graphically displayed representation of a configuration generally similar to a touchpad of a touchtone telephone.

Gulley discloses a graphically displayed representation of a key configuration generally similar to a touchpad of a touchtone telephone implemented with a computer (Col 3 lines 40-60)(Col 1 line 66 to Col 2 line 8) and able to be reprogrammed to perform various functions. He further teaches that computer management systems may be complex, and that a user interface that mimics a telephone pushbutton keypad is easier as it is known by almost everyone (Col 1 lines 28-56). It would have been obvious to one of ordinary skill in the art at the time of this application to implement a graphical version of the telephone keypad on the computer disclosed by Burg for the advantage that it would provide a known and easier to use interface to the user.

4. **Claims 7,8** rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al.

(6456699) as applied to claim 6 above, and further in view of Gulley et al. (5790652).

a. **Claim 7:** Burg discloses applicant's claim 6 above and also discloses that the computer input device comprises a display (Col 9 lines 61-67). However, he does not disclose the display being capable of displaying graphically displaying a numeric touchpad of a touchtone telephone.

Gulley discloses a graphically displayed representation of a key configuration generally similar to a touchpad of a touchtone telephone implemented with a computer (Col 3 lines 40-60)(Col 1 line 66 to Col 2 line 8) and able to be reprogrammed to perform various functions. He further teaches that computer management systems may be complex, and that a user interface that mimics a telephone pushbutton keypad is easier as it is known by almost everyone (Col 1 lines 28-56). It would have been obvious to one of ordinary skill in the art at the time of this application to implement a graphical version of the telephone keypad on the computer disclosed by Burg for the advantage that it would provide a known and easier to use interface to the user.

b. **Claim 8:** Gulley discloses that the graphically displayed keypad keys are programmable (GULLEY: Col 1 line 56 to Col 2 line 8). Berg discloses (In Fig. 5) that the Server (comprising Web Server 82, IVR 85, and Databases 80,81) will interact with each other and configure the IVR and Web server to have identical interfaces. The graphical keypad on computer 84 (taught by Gulley) is a representation of the interface with web server 82. As such the web server would generate the graphical keypad (Col 7 line 50 to Col 8 line 55).

5. **Claims 12-18** rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (6456699), and further in view of Gulley et al. (5790652).

a. **Claim 12:** Burg discloses an access device (comprising Switches 104 & 108, Webserver 103, IVR 107, computer 105 and telephone 109 in Fig. 6) included on a network (the internet) with a communication link to at least one server, and a method of providing the access device with access to specific classes of information stored on the at least one server (HTML documents from the world-wide-web) in response to selection of keys of a numeric touchpad (telephone touchpad) included in an interface of an input device associated with the access device. The method comprises displaying an interface to a user (Col 9 line 61 to Col 10 line 10) and providing a second numeric touchpad on a telephone that can request specific classes of information in response to the selection of a particular key (Col 10 lines 30-41). However Burg does not disclose:

- i. Displaying the first interface as a representation of a first numeric keypad (similar to the second standard telephone keypad) to transmit requests to the server.
- ii. Receiving input at the access device in response to selection of a particular key of the first numeric keypad that corresponds to the second numeric keypad.
- iii. In response to the input from the first (graphical) keypad, transmitting a request from the access device to the server for a specific class of information

Gulley discloses a graphically displayed representation of a key configuration generally similar to a touchpad of a touchtone telephone implemented with a computer (Col 3 lines 40-60)(Col 1 line 66 to Col 2 line 8) and able to be reprogrammed to perform various functions. He further teaches that computer management systems may be

complex, and that a user interface that mimics a telephone pushbutton keypad is easier as it is known by almost everyone (Col 1 lines 28-56). It would have been obvious to one of ordinary skill in the art at the time of this application to implement a graphical version of a first telephone keypad on the computer disclosed by Burg for the advantage that it would provide a known and easier to use interface to the user.

Since the Burg system designated the same server interface (BERG: ABSTRACT) for both the computer (web-based) and telephone (IVR based), the keys of the first (graphical) keypad and second (telephone) keypad would correspond with each other and both would be able to request specific classes of information from servers (BERG: web server 103, database 101, 102 in Fig. 6).

- b. **Claim 13:** Burg's system comprises computer 105 (Fig. 6) with an output display device to display the user interface (Col 9 line 62 to Col 10 line 10).
- c. **Claim 14:** Burg's system in view of Gulley's teachings would display the first (graphical) keypad on the video display (Col 9 line 62 to Col 10 line 10).
- d. **Claim 15:** Burg's computer is a WWW browsing capable computer (Computer 105 and Web Server 103 in Fig. 6). As such it inherently comprises a mouse (pointing capable device) for the purpose of selecting graphical buttons and hyperlinks.
- e. **Claim 16:** Gulley's graphical keypad interface comprises depressing a particular key (in response to selecting said key) in order to transmit input (Col 3 lines 10-25).

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f. **Claim 17:** Burg's system works over the internet, as such , a request is transmitted over a network system (Fig. 6).

g. **Claim 18:** Burg's system comprises computer 105 (Fig. 6) with an output display device to display the user interface (Col 9 line 62 to Col 10 line 10).

6. **Claims 19-24** rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (6456699), and further in view of Gulley et al. (5790652).

a. **Claim 19:** Burg discloses a system for sending and receiving content from at least one server connected to a network (a computer and telephone interface to internet), the system comprising:

i. An Access device comprising Switches 104 & 108, Webserver 103, IVR 107, computer 105 and telephone 109 are connected to the network (Fig. 6).

ii. An input device comprising computer 105 (Fig. 6) which comprises a user interface (for the purpose of inputting data to the network) (Col 9 line 61 to Col 10 line 10) that causes the access device to request specific classes of information from a server (such as in an IVR or Web Server system) (Col 7 lines 50-65).

iii. Output devices (Comprising a computer display or telephone speaker with an IVR system) to output specific classes of information that the access device receives (Col 9 line 62 to Col 10 line 41). The speaker is inherent to a telephone for the purpose of allowing the user to communicate (hear) with the network.

iv. Computer readable medium that is inherent to the computer 105 and the computers within the network for the purpose of storing and delivering the computer code to the computer. The mediums carry computer executable instructions that, when executed, cause the access device to configure the plurality of keys (such as the telephone keys) or other user interfaces by associating specific classes of information with particular keys of the keypad or other user interfaces (such as in an IVR system) (Col 8 lines 45-65). However Burg does not disclose:

i. Displaying the first interface as a representation of a first numeric keypad (similar to a standard telephone keypad) to transmit requests to the server.

Gulley discloses a graphically displayed representation of a key configuration generally similar to a touchpad of a touchtone telephone implemented with a computer (Col 3 lines 40-60)(Col 1 line 66 to Col 2 line 8) and able to be reprogrammed to perform various functions. He further teaches that computer management systems may be complex, and that a user interface that mimics a telephone pushbutton keypad is easier as it is known by almost everyone (Col 1 lines 28-56). It would have been obvious to one of ordinary skill in the art at the time of this application to implement a graphical version of a first telephone keypad on the computer disclosed by Burg for the advantage that it would provide a known and easier to use interface to the user.

Since the Burg system designated the same server interface (BERG: ABSTRACT) for both the computer (web-based) and telephone (IVR based), the keys of the first (graphical) keypad and second (telephone) keypad would correspond with each other and both would be associated with specific classes of information by the servers (BERG: IVR 107, web server 103, database 101, 102 in Fig. 6).

- b. **Claim 20:** Burg's access device further comprises telephone 109 (Fig. 6) which may present a user interface comprising a voice command receiver for the user to send voice commands to the access device to request information from a server (such as in an IVR system) (Col 10 lines 25-40).
- c. **Claims 21,22,24:** Burg's system comprises computer 105 (Fig. 6) with an output video display device to display the user interface and specified classes of information (Col 9 line 62 to Col 10 line 40).
- d. **Claim 23:** Burg's system comprises a telephone (Col 10 lines 30-41) with an outputting device to output classes of information in audio format. A speaker is inherent to a telephone for the purpose of allowing the user to communicate (hear) with the network.

7. **Claim 25** rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (6456699), and further in view of Gulley et al. (5790652).

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a. **Claim 25:** Burg discloses implementing a system on a computer (a computer inherently comprises a computer program for the purposes of running the computer), in an access device included on a network (the internet) with a communication link to at least one server, a method of providing the access device with access to specific classes of information stored on the at least one server (HTML documents from the world-wide-web) in response to selection of keys of a numeric touchpad included in an interface of an input device associated with the access device, the system comprising computer readable medium (inherent to the computers for the purpose of storing and delivering the computer code to the computer) carrying computer executable instructions that, when executed, cause the access device to perform a method comprising:

- i. Providing a display device associated with the access device (Col 9 line 62 to Col 10 line 10) to display a user interface.
- ii. Providing a second numeric touchpad on a telephone that can request specific classes of information in response to the selection of a particular key (Col 10 lines 30-41).

However Burg does not disclose:

- iii. Displaying the first interface as a representation of a first numeric keypad (similar to the second standard telephone keypad) to transmit requests to the server.
- iv. Receiving input at the access device in response to selection of a particular key of the first numeric keypad that corresponds to the second numeric keypad.

- v. In response to the input from the first (graphical) keypad, transmitting a request from the access device to the server for a specific class of information

Gulley discloses a graphically displayed representation of a key configuration generally similar to a touchpad of a touchtone telephone implemented with a computer (Col 3 lines 40-60)(Col 1 line 66 to Col 2 line 8) and able to be reprogrammed to perform various functions. He further teaches that computer management systems may be complex, and that a user interface that mimics a telephone pushbutton keypad is easier as it is known by almost everyone (Col 1 lines 28-56). It would have been obvious to one of ordinary skill in the art at the time of this application to implement a graphical version of a first telephone keypad on the computer disclosed by Burg for the advantage that it would provide a known and easier to use interface to the user.


Since the Burg system designated the same server interface (BERG: ABSTRACT) for both the computer (web-based) and telephone (IVR based), the keys of the first (graphical) keypad and second (telephone) keypad would correspond with each other and both would be able to request specific classes of information from servers (BERG: web server 103, database 101, 102 in Fig. 6).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ
February 19, 2004


DUC NGUYEN
PRIMARY EXAMINER